

I. REMARKS

The PTO requires the restriction of the claims in the above-identified application into one of the following six groups of claims.

Group I: Claims 1-31, 33-45, and 49 allegedly drawn to a method of diagnosing a subject with inflammatory joint disease (IJD) by measuring osteoclast precursor cells (OCP) and kit therefore.

Group II: Claim 32 allegedly drawn to a method of diagnosing IJD by culturing peripheral blood mononuclear cells and measuring concentration of TNF- α protein that is secreted.

Group III: Claims 46-48 allegedly drawn to a method of diagnosing by culturing peripheral blood mononuclear cells on cortical bone wafers and measuring the amount of eroded bone.

Group IV: Claims 50-71 and 80-93 allegedly drawn to a method of treatment and monitoring treatment of IJD.

Group V: Claims 72-74 allegedly drawn to a method of identifying an agent having the ability to treat IJD.

Group VI: Claims 75-79 allegedly drawn to a kit.

Applicants provisionally elect Group I (claims 1-31, 33-45, and 49) with traverse.

Additionally the Examiner has required the election of one species between each of the following subgroups: A) The markers recited in claims 3-10, 13, 14, 23, 36, 49, 70, 74, 75 and 79: CD14, CD11a, CD11b, CD51/CD61, RANK, CCR1, CCR4, VCAM (CD106), VLA-4 (CD49d), CD16, MHC Class II, B7.1, B7.2, CD40, and c-fms; B) The selected number of markers recited in claims 3-10, 14, 23, and 38-44: at least one, at least two, at least three, at least four, at least five, at least six, at least seven, and at least eight; C) The samples recited in claims 16-18: Blood, synovium, bone marrow; D) The methods of measurement recited in claims 13-15, 19-21, 27, 34 and 37: FACS, TRAP, colorimetric assay, Immunohistochemistry, Western Blot, Southern methods, Hybridization methods, RT-PCR methods, ELISA, ELISPOT, Microarray, Bone marrow resorption methods, Immunoprecipitation; E) The anti-inflammatory disease

agents recited in claims 54-69, 82, and 83; and F) The administration time frame recited in claims 85-90.

Applicants provisionally elect the following specifies A) CD11b; B) at least one; C) blood; D) FACS with traverse. Because species E and F do not apply to the elected group no species election for groups E and F has been made.

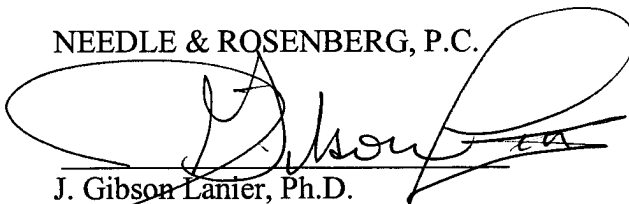
Applicants request that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden would result if all the claims are examined together. M.P.E.P. § 803 provides that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (*Emphasis added.*) Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121) and (2) the search and examination of the entire application cannot be made without serious burden. *See* M.P.E.P. § 803.

For the reasons stated above, applicants respectfully assert that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Examining all of the claims together would eliminate the necessity of prosecuting multiple, separate, yet intimately related, applications. Thus, applicants respectfully request that all of the claims of this application be examined together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

A Credit Card payment in the amount of \$820.00, representing the extension of time fee for a small entity under 37 C.F.R. § 1.17(a)(4) and a Request for a four (4) month Extension of Time has been submitted electronically. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



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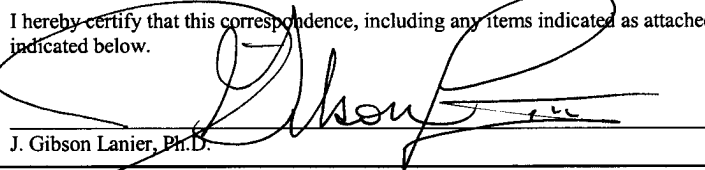
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J. Gibson Lanier, Ph.D.

Date

2/11/08